

(15)

## WAIVER OF SERVICE OF SUMMONS.

TO:

Tyrone P. James

(Name of plaintiff's attorney or pro se plaintiff)

I acknowledge receipt of your request that I waive service of a summons in the action of James VS

York County Police Dept.

which is case number CV-01-1015 in the United States District Court for the Middle District of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for the objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 6-18-02 (date request was sent), or within 90 days after that date if the request was sent outside the United States.

FILED

SCBANTON

JUL 08 2002

Date

7/3/02

Signature

Linda S. Lloyd DEPUTY CLERK

Printed/typed name:

Linda S. Lloyd

Title if any:

Deputy Attorney General

Address of person signing:

15th Floor, Strawberry Square  
Harrisburg PA 17120

Representing defendant(s) if any:

James H. Morgan, Richard Peddicord,  
Raymond Crawl, Gene Fells, Detective  
Kessler, Brian K. Westmoreland and  
Detective Glowczeski



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

July 3, 2002

MIKE FISHER  
ATTORNEY GENERAL

Litigation Section  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
Phone (717) 705-7327  
Fax (717) 772-4526

United States Marshal  
P.O. Box 310  
Scranton, PA 18501

Re: James v. York County Police Dept., et al.  
No. 1:CV-01-1015 (M.D.Pa.)  
(Judge Kane) (Magistrate Judge Mannion)

Dear Sir/Madam:

I am again returning the signed waiver of service on behalf of defendants Morgan, Peddicord, Craul, Fells, Kessler, Westmoreland and Glowczeski in the above captioned case.

I would like to bring to the Court's attention that a motion to dismiss was filed on behalf of these defendants on December 28, 2001, with a brief in support filed on January 14, 2002. The motion is now pending before the Court.

If there are any questions about this case please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Linda S. Lloyd".

LINDA S. LLOYD  
Deputy Attorney General

LSL/lac  
Enclosure

USM  
Copy

AO 440 (Rev. 10/93) Summons in a Civil Case

# United States District Court

MIDDLE DISTRICT OF PENNSYLVANIA

## SUMMONS IN A CIVIL CASE

TYRONE P. JAMES,  
Plaintiff

CASE NUMBER: 1:CV-01-1015

Judge Yvette Kane

v.

YORK COUNTY POLICE DEPT., ET AL..  
Defendants

To: (For the name and address of defendant(s): **SEE COMPLAINT**)

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY:

Tyrone P. James  
SCI-Camp Hill  
P.O. Box 200  
Camp Hill, PA 17001

an answer to the complaint which is herewith served upon you, within **20 days** after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MARY E. D'ANDREA, Clerk

DATE: April 29, 2002

  
(By) Jennifer Kennedy, Deputy Clerk

U.S. Department of Justice  
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

PLAINTIFF	<u>Tyrone P. James</u>	COURT CASE NUMBER	<u>1:01-CV-01015</u>
DEFENDANT	<u>Agent Randy Sipes</u>	TYPE OF PROCESS	<u>Complaint</u>
<b>SERVE</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
<b>AT</b>	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <u>CALifornia Department of Justice, Office of the Attorney General, Narcotic Div. Riverside</u>		

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	<u>1</u>
<u>Tyrone P. James</u> <u>York County Prison</u> <u>3400 Concord Road</u> <u>York, PA. 17402.</u>		Number of parties to be served in this case	<u>1</u>
		Check for service on U.S.A.	<u>1</u>

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

**FILED**  
**SCRANTON**

JUL 08 2002

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
<u>Tyrone James</u>			<u>9/21/01</u>

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No. <u>67</u>	No. <u>67</u>	<u>Anders Lavelle</u>	<u>9/28/02</u>

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.					
Address (complete only if different than shown above)	Date of Service	Time				
	Signature of U.S. Marshal or Deputy					
Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund

REMARKS:

Unexecuted

Insufficient Address

A. Lavelle

U.S. Department of Justice  
United States Marshals Service  
Middle District of Pennsylvania  
5 U.S. Federal Building  
Washington Ave. & Linden St.  
Pottsville, PA 18503  
Special Business  
Penalty for Private Use \$300

**INSUFFICIENT  
ADDRESS**

Legal Randy Xper  
Attorney General's Office  
Prosecution Division  
Pottsville, PA